

PUBLIC HEARING—June 16, 1965

Appeal #8223 Harry S. Cole, et ux, appellants.

The Zoning Administrator District of Columbia, appellee.

On motion duly made, seconded and carried with Mr. Davis dissenting, the following Order was entered on June 22, 1965:

ORDERED:

That the appeal for a variance from the use provisions of the R-2 District to permit a three unit apartment at 1211 Fern St. N.W., lot 13, square 2954, be denied.

As the result of an inspection of the property by the Board, and from the records and the evidence adduced at the hearing, the Board finds the following facts:

(1) Appellant's lot has a frontage of 60 feet on Fern Street and a depth of 92.18 feet to a public alley in the rear. The lot contains an area of approximately 5440 square feet.

(2) An inspection of the property by the Board revealed that the premises in question is a rather large detached house being one of seven in this block of Fern Street. To the rear and to the west properties are improved with detached residences.

(3) Appellant stated that the premises were sold to him on the basis of being utilized as a three-unit apartment and that he purchased with that understanding. However, the records of the D. C. Government do not indicate that there has ever been a certificate of occupancy issued for that use. Therefore, the occupancy has been in violation of the Zoning Regulations.

(4) Appellant bases his hardship on the fact that appellant is a double amputee and has other physical handicaps which limits his mobility and that these disabilities are due to service in World War II. He further contends that there are lodging and rooming houses within the immediate area.

(5) There was considerable opposition to the granting of this appeal registered at the public hearing.

OPINION:

We are of the opinion that appellant has failed to prove a hardship within the provisions of Section 8207.11 of the Zoning Regulations as the lot is normal in all respects being rectangular in shape. Further, there is no narrowness, shallowness or unusual shape, nor any exceptional topographical conditions or other extraordinary or exceptional situation or conditions of the specific property. Further, the property is developed in accordance with the Zoning Regulations for the R-1-B District being a detached dwelling.

In view of the above the Board has no alternative but to deny the appeal, being of the opinion that the relief cannot be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the zoning regulations and map.